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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 DAVID MEYER, et. al.

12 Plaintiff,

13 vs.

14 CAPITAL ALLIANCE GROUP, et. al.,

15 Defendants.

Case No.: 15-CV-2405-WVG

16 **DECLARATION OF**
17 **KENNETH MOSER IN**
18 **SUPPORT OF OPPOSITION**
19 **TO DEFENDANTS' MOTION**
20 **FOR PARTIAL SUMMARY**
21 **JUDGMENT**

Hon. William V. Gallo
Hearing Sept 18, 2017, 2:00 pm

22 **DECLARATION**

23 I, Kenneth Moser., state the following to be true and correct under penalty of
24 perjury of the laws of the United States:

25 1. My name is Kenneth Moser and I am one of the Plaintiffs in the above
26 titled action.

27 2. I have a facsimile service called myfax.com which I use to receive
28 faxes with the fax number 858-627-4193.

1 3. I have had myfax.com services at since January 2008 through present.

2 4. My understanding of how myfax.com works is that a person wishing
3 to send a fax to my fax number would use a device to transcribe text and/or images
4 from a paper document to an electronic signal which is then transmitted via
5 telephone to myfax.com.

6 5. myfax.com then sends me an electronic image of the fax that was sent
7 which can be printed.

8 6. I can, and have, printed hard paper copies of faxes sent though this
9 service.

10 7. I received six faxes that I currently believe were sent on behalf of the
11 Defendants in this case on November 12, 2012, November 13, 2012, December 5,
12 2012, December 12, 2012, January 13, 2013, and January 30, 2013 all containing
13 the website www.bankcapitaldirect.com.

14 8. I did not request these faxes be sent to me, nor did I have any previous
15 business relationship with any person associated with these faxes.

16 9. Based on the wealth of evidence previously provided, I believe that
17 these faxes were sent by Defendants.

18 10. I also received unsolicited pre-recorded telemarketing calls to my
19 residential phone from Capital Alliance Group.

20 11. On August 6, 2013 I received a call from a caller identification
21 number (“CID”) “private caller” on my residential phone number 858-627-4190.

22 12. 858-627-4190 was assigned to me then by Vonage as my residential
23 phone number.

24 13. When I answered this call I heard a recorded voice asking about
25 business loans which then prompted me to press several buttons to be connected to
26 a live person.

27 14. On August 29, 2013 I received another call from the CID “Private
28 Caller” with the same message as the previous pre-recorded call.

